

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DASSAULT SYSTÈMES, S.A
A CORPORATION OF FRANCE,

Plaintiff,

Case No. 09-10534
Hon. Lawrence P. Zatkoff

v.

KEITH CHILDRESS
d/b/a PRACTICAL CATIA,

Defendant.

ORDER

This matter is before the Court on Defendant's motion for reconsideration [dkt 118], in which Defendant requests that the Court reconsider its order denying Defendant's motion to quash Plaintiff's third-party subpoenas. Although E.D. Mich. L.R. 7.1(h)(2) generally disallows a response to motions for reconsideration, the Court ordered Plaintiff to file a response to Defendant's motion on the record during the January 10, 2013, scheduling conference. Plaintiff complied with the Court's order, and Defendant then replied.

Local rule 7.1(h) governs motions for reconsideration, stating that "the court will not grant motions for rehearing or reconsideration that merely presents the same issues ruled upon by the court, either expressly or by reasonable implication." E.D. Mich. L.R. 7.1(h)(3). The same subsection further states, "the movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." *Id.* A defect is palpable when it is obvious, clear, unmistakable, manifest, or plain. *Mktg. Displays, Inc. v. Traffic Devices, Inc.*, 971 F. Supp. 262, 278 (E.D. Mich. 1997).

For the reasons stated in the Court's July 31, 2012, order and Plaintiff's response to Defendant's motion, Defendant fails to demonstrate a "palpable defect" by which the Court was misled, nor can Defendant demonstrate that the correction of any alleged defect "will result in a different disposition of the case." Defendant merely presents the same issues already ruled upon by the Court.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion for reconsideration [dkt 118] is DENIED.

IT IS FURTHER ORDERED that to the extent Defendant's motion for reconsideration requests that the Court stay the proceedings in this matter, such request is DENIED.

IT IS SO ORDERED.

Date: September 3, 2013

s/Lawrence P. Zatkoff
Hon. Lawrence P. Zatkoff
U.S. District Judge